

REMARKS

In response to the Office Action dated October 8, 2009, the Applicant provides the following remarks.

Claim Objections

The Applicant has amended claim 12 to recite “an unauthorized person.”

Claim Rejections – 35 U.S.C. § 101

The examiner rejected claims 14-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Without conceding the appropriateness of the examiners rejection and solely for the purposes of advancing prosecution, the Applicant has amended the specification to recite “[t]he implementation can be as a computer program product, i.e., a computer program tangibly embodied in a machine readable storage device, for execution by, or to control the operation of, data processing apparatus, e.g., a programmable processor, a computer, or multiple computers.” Therefore the Applicant respectfully requests that the rejections of claims 14-20 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections – 35 U.S.C. §112, Second Paragraph

The examiner rejected claims 1 and 3 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Applicant has amended claim 1 to recite “transmitting an electronic form for display to a user; receiving user-entered data for at least one field present in the electronic form the electronic form including a link that when activated establishes a voice channel between the user and a customer representative with the link including a unique identifier associated with the user-entered data that enables a customer representative to view the user-entered data.”

Applicant has amended claim 3 to recite "The method of claim 1, further comprising authenticating the user before transmitting the electronic form."

Therefore the Applicant respectfully requests the rejections of claims 1 and 3 under 35 U.S.C. § 112 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

The examiner rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Leiseca et al. (U.S. Patent No. 5,253,165) in view of Meunier (U.S. Patent Pub. No. 2002/0186144).

The examiner rejected claims 2, 7, 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Leiseca and Meunier in view of Garbers et al. (US 2004/0073440).

The examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Leiseca and Meunier as described above and further in view of Mashinsky (US 20060059023).

The examiner rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Leiseca and Meunier as described above and further in view of Official Notice.

Independent Claim 1

No proper combination of Leiseca and Meunier discloses or renders obvious that "the link including a unique identifier associated with the user-entered data that enables a customer representative to view the user-entered data" as required by claim 1. The examiner correctly acknowledges that Leiseca does not include this feature (Office Action, p. 6). Similarly, Meunier does not disclose or render obvious this feature. Instead, Meunier teaches an on board unit capable of voice or data communication in emergency situations. In this regard, Meunier states

There are circumstances such as emergencies when instant voice or data communication is required or desirable between the user and the Customer Service and Response Center (CSRC) ... a communication link may be establish instantly with the CRMLS by pressing a single button on the OBU keyboard or display or by following the complaint process... Upon establishing such link, the OBU transmits along with last recorded GPS position so that the CSRC may instantly and precisely locate the vehicle without the user's participation. (Meunier, [0281]).

The only information Meunier describes being included in the communication with the customer service and response center is a GPS position of the vehicle. A GPS position merely provides a location for the vehicle and is not “a unique-identifier associated with the user-entered data” as required by claim 1 and certainly Meunier would not suggest when combined with Leiseca that the link includes a unique identifier associated with the user-entered data that enables a customer representative to view the user-entered data.

Meunier also describes authenticating a user's identity prior to releasing a vehicle. In this regard, Meunier states “

It is advantageous from a security standpoint to confirm that a user's identity is genuine before finally releasing the vehicle for hire. In a preferred embodiment, the system requests that a user enters a secret code (20) or follows a personal identification process such as answering personal questions to confirm said user's identity (19). Alternatively, voice recognition (22) or fingerprint, signature or any other authentication means may be used. Upon positive authentication, the OBU (18) releases the ignition of the vehicle (23). Also see FIG. 11A.(Meunier, [0269]).

However, authenticating a user's identity prior to releasing the ignition of a vehicle is not “the link including a unique identifier associated with the user-entered data that enables a customer representative to view the user-entered data” at least because there is no association of the unique identifier with user-entered data that enables that data to be viewed by another, e.g., a customer service representative.”

Independent Claims 9 and 14

Independent claims 9 and 14 recite limitations similar to those of claim 1 and are allowable for at least similar reasons.

Dependent Claims 2, 7, 15, and 16

No proper combination of Leiseca, Meunier, and Garbers discloses or renders obvious the subject matter of claims 1, and 14 found lacking in Leiseca and Meunier. Claims 2, 7, 15, and 16 are each properly dependent on one of claims 1 and 14 and are patentable therewith.

Dependent Claims 8

No proper combination of Leiseca, Meunier, and Mashinsky discloses or renders obvious the subject matter of claim 1 found lacking in Leiseca and Meunier. Claim 8 is properly dependent on claim 1 and is patentable therewith.

Dependent Claim 13

The examiner has rejected claim 13 under 35 U.S.C. §103(a). In the rejection, the examiner relies simply on "official notice." MPEP 2104.04 states:

If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2).

The examiner has not point to any evidence or presented any reasoning that justifies reliance on official notice. The applicant, therefore, traverses the examiner's assertion of "official notice" and requests that the examiner provide documentary evidence to support the rejection of 13 if the rejection is maintained.

Dependent Claims 3-6, 10-12, and 17-20

Dependent claims 3-6, 10-12, and 17-20 are properly dependent on a respective one of the independent claims, and are thus allowable therewith. These dependent claims add one or more further limitations, which are not presently relied upon to establish patentability. For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting these dependent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7828.

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The fee of \$130 for the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 08575-0104001.

Respectfully submitted,

Date: February 1, 2010

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